expressed also in the speeches by the marriage sureties. The couple are exhorted to 585
raise disputes to the sureties, and to consult the diviner in case of sickness.[1] After the
rite these two sureties have special responsibilities towards the couple; grievances
are referred to them, and they must be present when adultery cases are heard in
court. If the marriage witness ceremony has not been performed, the relationship is
not regarded as legal and no adultery compensation can be claimed by the husband.

Divorce used to be a private affair, which was merely signalized by one party giving 586
to the other an arrow as a token of separation.[2] Nowadays all divorce cases go to court.
The woman is usually asked to choose between her husband and the adulterer, and
the compensation paid to the former, if she decides to leave him, is higher—amount-
ing to about 10s. A man can be sent away from the village by his wife's kin, but if he
has given no grounds for divorce he can claim compensation and will also take back [473]
any gifts made to his wife. A few small gifts to his mother-in-law are not reclaimed.
Divorces are easily obtained and frequent. Grounds for the divorce of a man may
include failure to pay hut tax, one of the specific duties of the husband.

The custom of making a marriage payment is recorded by Johnson[3] (on the east 583
coast of Lake Nyasa) as a relatively new adoption. When given it is divided between 177
the bride's father, mother, and mother's brother and brother.[4]

SLAVERY

Domestic slavery was an important institution in the Yao social system. Slaves were 567
obtained by capture, purchase, or in compensation for injury.[5] A man would pay a
debt by giving slaves (wives or members of his matrilineal kin group) to his creditors.[6]
A man might voluntarily enslave himself to a man having charge of many women, as
a means of obtaining a wife.[7] The children of a free man and a slave woman were not
emancipated, as their father could not take them from the village of their mother's
master, who had the right to sell them.[8] Slaves took part in the ordinary life of the
village; women slaves ranked as junior wives of their masters and shared the usual
work of women. Men might be supplied with guns for hunting or might accompany
their masters to war, trade for them, spin, weave, sew, make baskets.[9] The institution [559]
of domestic slavery was an expression of a dominant motif in Yao culture—the associa-
tion of status with a large number of dependents. Its abolition by the British was in
itself a major blow to the prestige and authority of the chiefs.

Information about the social organization of the Yao in Portuguese East Africa is 184
scanty, but it is in agreement with what is known of the Nyasaland Yao; Henkel, who 602
knew the Yao in Lindi district, Tanganyika Territory, confirms the correctness of
Stannus's account of the South Nyasa Yao.

The Yao came into Nyasaland in small parties of kinsmen. Their experience and 715
their superior weapons soon enabled them to dominate the Nyanja among whom they
settled, and today they dominate the population of the Southern Province. They are [601]
organized into loose groups of villages, under petty, independent chiefs. They seem [611]

[1] Stannus, A. 1910, p. 245; Hynde, 1899; Johnson, J. 1922, pp. 69-73; Macdonald, 1882, vol. i,
Weston, 1908, pp. 109-30.
[2] 1910, pp. 50-3.
[3] Stannus, A. 1910, p. 180.
[4] Stannus, A. 1910, p. 180.
[5] Weston, 1908, pp. 130-3; Stannus, A. 1910, p. 250.
[6] Stigand, 1913, p. 102 (not a reliable source).
[7] Macdonald, 1882, vol. i, pp. 188-9.
[8] Weston, 1908, p. 253.
[9] Ibid.

1: Tew E-4 (no date) 1950 FT7 Yao FT7

never to have had any large-scale central political organisation, and their history is full of occasions when one group of Yao has attacked another. Even within his own area the authority of the chief was not, apparently, sufficiently strong to prevent one village headman from raiding his neighbours; the chief maintained no standing army.[1] The chief held certain rights and privileges. He was entitled to the ground tusk of any elephant found in his territory (the finder was rewarded after it had been sold, with a cloth); he received tribute in food,[2] with which he entertained visitors. He took a share of the spoils of war and was also entitled to annual labour service and to a gift when he made a new burial place. Apart from his military and judicial responsibilities, he had authority to settle when and where initiation ceremonies should be held.[3] The right to hold these ceremonies was sought after by the village headmen as a mark of status.[4] The chiefs or headmen of certain families had the right to wear a white cloth round round their temples as insignia of rank.[5]

In addition the chief had a certain ritual status. He was thought to incur mystical danger by contact with death, and so was not allowed to attend a funeral nor to eat a chicken brought by a messenger announcing a death, nor to accompany his military expeditions. He was supposed to have great power through special medicines. He had to make offerings to the ancestors, especially in affairs concerning the whole people, such as drought or epidemic. He was expected to give a burial cloth at the death of an important man. At his death a period of social disorganisation was recognised, members of his village were allowed to pillage and rape, until he was buried.

Succession to the chiefly office was matrilineal. The chief's position was based partly on his status as the senior male of his own matrilineal kin group, partly on his wealth. His command over slaves, guns, and caravans to the coast was greater than that of others, and from these his military strength was derived, for a chief was powerless without his following of dependents. The chief of the area was also headman of his own village. In fact, the position and duties of a village headman (except that he could not exact tributes)[6] reproduced in small scale those of the chief. The headmen also were in mystical danger through contact with death and were the channel through which the ancestors were approached in affairs concerning the village. They, too, built up their prestige and wealth by slaving activities. They seem to have been largely independent of the chief, carrying on slave raids of their own, and if they could gain a sufficient following, they might break away from the chief, and set up their own chiefdoms.[7]

The chief ruled through a hierarchy of headmen. His councillors were superior headmen, placed over a number of village headmen. Commoners could approach the chief only through the councillor in whose area their village belonged. The councillor's special duties were to report daily to the chief on the affairs of his district, to advise, and to arbitrate in the chief's own domestic affairs, e.g. in conflicts between the chief and his brothers and nephews. The councillors were not necessarily relatives of the chief,[8] but were chosen on account of their general status in the community, and their

[1] Elmslie, c. 1899, p. 105, says of the Yao in the Shire highlands: 'Every tenth man one may might be set down as a chief . . . petty quarrels of petty chiefs were abundant. . . .' See Macdonald, 1882, vol. i, pp. 189 and 190.
[2] Sharman, c. 1902, says that only beer was owed to him.
[3] Ibid., p. 209.
[4] Duff, 1909, p. 302.
[5] Macdonald, 1882, vol. i, p. 18; Warner, 1906, p. 280.
[6] Macdonald, 1882, vol. i, p. 153.
[7] Ibid., pp. 30 and 156.
[8] Ibid., p. 156.

1: Tew E-4 (no date) 1950 FT7 Yao FT7

office tended to become hereditary. Each councillor had his own village which he administered as a headman. A second set of officials were the court assessors, *mapungu*, who, unlike the councillors, were not in charge of villages of their own in addition to their court duties. Their office was not hereditary and they were chosen for their wisdom and their debating ability. They lived at the court of the chief and their main duty was to sift the evidence in the judicial cases which came before him.

The village headmen were expected to send elephant tusks to the chief (receiving small gifts in return), and to invite him to a yearly beer drink. Like the chief, the village headman governed through a council of the most important men in his village. They constituted a kind of village court over which he presided, and in the old days he could give capital sentence, or award a fine of as many as four slaves. Appeal from his decision lay to the court of the superior headman, or to the chief. Important cases would be reported direct to the chief. Most crimes would be settled by compensation. In cases of murder, several slaves were paid to the kin of the victim, and a fine for spilling blood to the chief. When compensation was handed over, the recipient always returned some part of it as sign that friendship was restored.[1]

Macdonald's further account of the treatment of crime shows how weak was the political organization, in spite of the apparent orderliness of the system of inferior and superior courts. A murderer caught red-handed might be killed at once. If captured alive he might be ransomed on payment of a fine of from four to twenty slaves, some of whom might be killed to accompany the dead. If the murderer escaped a relative of his would be captured and ransomed. This applied to murders occurring among parties friendly to one another and living in the same village. If the murderer was from another village, the injured village, if strong enough, would fall upon the other and kill and enslave the inhabitants. If not strong enough, the chief might be called in to help to annihilate the guilty village.[2]

Modern Administration

In the whole of Nyasaland there must be between thirty and forty Yao chiefs. In the districts of Liwonde, Fort Johnston, and Zomba, where 60 per cent. of the Yao population is concentrated (1931 boundaries), there are at least fifteen such chiefs. Not all those who have the rank of chief in the old Yao system are recognized as Native Authorities or even as Sub-Native Authorities by the Nyasaland Administration, and many Sub-Native Authorities would be full chiefs in the Yao system, and quite independent of the Native Authorities under whom they are placed.

Nowadays the chief has lost many of his former claims to status. He no longer has monopoly of the trade to the coast, for goods are brought in by Indian traders and bought by African tobacco growers or returned labour migrants. He can no longer use his slaves to increase his wealth by running slaving expeditions. His tribute of food and ivory has ceased, and he can no longer entertain lavishly, but he is still expected to give burial cloths and to make gifts to headmen on their succession to office. Some of his councillors have been made court assessors, and are paid for those duties, but others are expected to work for him unpaid. Some chiefs do reward councillors who retain their traditional status but are not officially recognized as assessors by the

[1] Macdonald, 1882, vol. i, pp. 156–8; Swanson, a. 1902, p. 270.
[2] Macdonald, op. cit., pp. 159–61.

1: Tew E-4 (no date) 1950 FT7 Yao FT7

Administration, but many cannot afford to do this. The people regard the taxes they pay to the Administration as a substitute for the chief's tribute. As the Native Authority the chief appears to be responsible for tax-collection, as the tax-clerk lives at the court.

The chief is responsible to the Administration, among other things, for latrine construction and for punishing the infringement of various regulations. His main duties are judicial, as judge of the Native Authority Court. The bureaucracy attached to the Native Authority includes a number of functionaries, e.g. Kawinga's, in 1947 one of the larger courts, had 1 court clerk, 1 assistant court clerk, 1 community worker, 1 forest guard, 1 agricultural demonstrator, 1 sanitary inspector, 9 court messengers, 2 caretakers, 4 gazetta men, 1 market clerk, 1 market sweeper, 6 court assessors. These are paid by the Native Treasury. Court assessors help in the arbitration of cases. The key position at court is held by the court clerk, and usually he is not a Yao, but an Nguru, who, because he is literate, is the medium of all written communications to and from the chief. The court sergeant is the correct channel of approach to the chief, and the court messengers represent the chief to the villages.

The territory of a Native Authority is divided into 'administrative villages', under officially recognised and paid headmen. Within these areas there are clusters of huts, which do not form officially recognized administrative units, but which are none the less villages under their own hereditary headmen. The administrative village headman is responsible for the payment of taxes in his area, and for the observance of various regulations. He is usually a man with some standing in the Yao social system: one who has the right to conduct a boys' initiation ceremony, or to wear the head-band signifying rank. His authority is derived partly from his status as a senior kinsman, partly from his status as a village headman. If the administrative village under him includes a number of hamlets unrelated to the administrative village headman, he will delegate his responsibilities in these hamlets to their own headmen. Consequently, since village headmen perform administrative duties, whether they are officially recognized or not, there is competition among them for the official posts. In order to bring pressure to bear on the chief to make him concede marks of rank, they may threaten to move out of his area, and so to deplete his following. In spite of this bargaining tool, the position of the village headman *vis-à-vis* the chief is said to be getting progressively weaker. Cases once tried by them are now being taken to the chief's court, and the latter is able to draw on the power of the Administration to establish his dominance over the headmen.

The chief in the modern system stands as the representative of the people to the white Administration, and as the representative of the white Administration to the people. One reason for the lack of direct contact between the Administration and the people is the fact that Yao is not the official language of the district, and therefore Yao interpreters are necessary.

There are some occasions when the chief and his officials perform the functions proper to their office under the old social system. The white Administration is not concerned with their ritual functions, nor with initiation rites, nor does it take cognizance of witchcraft offences. Accusations of witchcraft are judged by the same personnel as accusations of theft or adultery, but they are not dealt with in the court house, nor recorded in the book.

1: Tew E-4 (no date) 1950 FT7 Yao FT7

Land Tenure

The rules governing land tenure were those which would be expected of a society which suffered from no land shortage. A man was entitled to as much land as he could cultivate, the limitation being that he should consult the headman as to his neighbours' boundaries. Abandoned gardens could only be taken up with the permission of the original cultivator.[1]

MAIN CULTURAL FEATURES

Religion

The Yao are largely Islamized. Codrington remarked that the perpetuation of this faith was distinctly antagonistic to British influence, and it received considerable attention from chiefs and headmen. Schools for the instruction of youth in reading and writing Swahili in Arabic characters were established in nearly every village, where also prayers were made at regular intervals in the day. The Moslem fasts and feasts were also observed, and the Yao were not inclined to embrace Christianity.[2] Their conversion to Islam did not take place till the nineteenth century, long after their first introduction to the Arab traders at Kilwa and Zanzibar, although they had adopted Swahili modes of dress much earlier.[3]

According to Hetherwick, Islam is strongest on the lake shore and on the east border of Nyasaland, chiefly round the old slave-trade centres, Makanjira's on the south-east side of the lake, and Domira Bay on the west, were the centres of Moslem propaganda. The Moslem population around Zomba and Blantyre consists mainly of Yao men, who have built themselves mosques in their own villages, or use the large mosques of Indian Moslem merchants. In the west districts, lower Shire, Ruo, central Shire, Lilongwe, Fort Manning, the Moslem population does not total more than 732. In the districts round Fort Johnston and Kotakota, the Moslems are one-ninth of the total population, while in Zomba district they number one-fifth.[4]

The Yao pagan religion was a form of ancestor worship. Apart from diviners and medicine men, there was no regular priestly profession. Intercession with the ancestors was performed by the chief, on behalf of the chiefdom, by the headman on behalf of the village, and by the head of the matrilineal kin for his dependents.[5] A man was qualified to approach his ancestors individually only if he had been initiated and had a house of his own.[6]

Some of the ritual duties of the chief have already been mentioned. When his people were visited by drought or epidemic, or when he fixed the day for the beginning of the millet harvest, he made an offering of flour and of beer poured into a pot in the ground at the grave of a dead chief. The village headman made similar offerings to the spirit of his dead predecessor. The spirits of the dead Nyanja chiefs, owned by the Yao invaders, were regarded as still powerful in the homeland of their people. For instance, Kanyendwa, whose shrine was on Mount Soche, used to be appealed to for rain, and on the principle that the most appropriate mediator between a dead man and the living is a descendant of the former, the Yao chief, Kapeni, when he wished to propitiate

[1] Macdonald, 1882, vol. i, pp. 177-9; Swann, n. 1903, p. 180.
[2] Codrington, 1898, p. 316; see also Maples, p. 1895.
[3] Young, T. C., n. 1931, p. 30.
[4] Watson, 1908, p. 270; Swann, n. 1902, p. 302.
[5] Hetherwick, n. 1902, p. 110.
[6] Macdonald, 1882, vol. i, p. 83.

2: Mitchell E-5 (1946-1949) 1956 FT7 Yao FT7

The chief identifies a man who comes to see him in exactly the same way, and the Administration has adopted a similar system, except that it has its own definition of the village. During the initiation ceremonies, the initiands[1] are housed in long grass sheds which are subdivided into sections. Each section or room of the long shed houses the boys or girls from one village. If villages share a burial ground, they have allotted portions where they bury their dead separately. In these and many other ways the village is looked upon by the Yao as a distinct unit in the chiefdom.

The chiefdom in the old days was distinctly a territorial unit and all the villages within that area recognized the superiority of the chief. The boundaries of the old chiefdoms were marked by rivers and hills and fixed after conquest and agreement. They are still well remembered. Modern chiefdoms are defined in their limits partly by Government decree and partly by custom. When Principal Headmen were appointed, the districts under them were demarcated with 'due regard being given to the composition of the Native population'. The traditional areas under the various chiefs, therefore, were recognized by the Administration as districts, so that the districts or their sections almost coincided with the chiefdoms. Some disputes between chiefs over boundaries have occurred from time to time and the Administration has had to arbitrate. For example, the Provincial Commissioner of the Southern Province reported a difference between Liwonde and Kawinga in 1936,[2] but through time these differences have been eliminated.

Traditional and Administrative boundaries do not coincide in a few places, for two reasons. Firstly, the Administration has accepted an obvious and physical boundary in preference to an indistinct and social boundary. It has taken the Domasi River as the boundary between Nzumanje and Mpasa, though in fact a few villages under Mbela, Kawinga III's son, live on the south side of the river, and fall for Administrative purposes in Nzumanje's area. Mbela is still very strongly associated with Kawinga in ritual and kinship matters. His dealings with the

[1] I am grateful to Prof. Schapera for suggesting this word for those who are undergoing initiation ceremonies. The parallel is with graduands, i.e. those who are undergoing graduation ceremonies.

[2] *Report of the Provincial Commissioner, Southern Province* (1936), 20.

2: Mitchell E-S (1946-1949) 1956 FT7 Yao FT7

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Administration, however, must be through the chief Ntumanje.

Secondly, some discrepancy has arisen because the Administration has not recognised all the indigenous chiefs. This has occurred mainly in Jalasi's area where there are at least two headmen who as far as I can judge were chiefs in their own right before the British conquest. These are Mkumba and Namwera.

Mkumba was the father of Nkata, the original Invader of this area whose chieftaincy later took the name of Jalasi. Mkumba moved into the southern part of Nkata's chiefdom where he settled. Nkata occupied the north. As far as I can gather, Mkumba held rights to the ivory in his area and made sacrifices for rain—the main attributes of chieftainship. He still holds both types of initiation ceremonies and tries cases not involving large compensation. Nowadays, the office still commands some respect, though the present incumbent himself is not highly respected. The village under him has broken up since his accession.

Namwera came into the area before the White invasion with a small following from Mataka's area in Portuguese East Africa. He obtained chieftaincy rights over a large tract of land. Though I have not been able to check this in Government records, informants tell me that he was originally a Principal Headman, but that he was deposed largely because of the intrigues of *Jalasi III with a Government* clerk. Nowadays, Namwera claims to be independent of Jalasi and is markedly hostile towards him. The village headmen who came into the area still recognize Namwera's authority and take their cases surreptitiously to him, if they do not involve compensation. But as far as the Government is concerned he is merely one of Jalasi's headmen, and if it comes to a trial of strength, Namwera will have to recognize the authority of Jalasi.

In general, however, the Administrative system, in incorporating the main indigenous chieftains, incorporated the indigenous organization in its framework. Kawinga as a Native Authority is the superior of Chiwalo, his 'sister's son'; of Chamba, his 'son'; of Mpona, his 'brother's son'; and of Ngokwe and Chikwao who came to seek his protection. Kawinga holds his position both by virtue of his indigenous rank as a descendant of the original Invader Kawinga, and also as a Government representative. *Liwonde*, also a Native Authority, resists Kawinga's

2: Mitchell E-5 (1946-1949) 1956 FT7 Yao FT7

claims to primacy, and by the ideology of the kinship system is equivalent in status. In Jalasi's area, once again, the indigenous status of the chieftaincy is shown by the Administrative recognition of Jalasi against Mkumba, who was a minor chief, and Namwera, who had come to 'ask land from Jalasi', and who had to give some slaves and some ivory for his chieftaincy rights in the area.

The relationships of Native Authorities to each other to-day are thus fixed partly by the Administrative structure, and partly by their historical backgrounds, and I have indicated that the structure the Administration imposed in the Yao areas was very largely determined by the indigenous structure which existed at that time.[1] The Administrative system to-day, therefore, supports the traditional structure.

The five chiefdoms with which this study is concerned stretch from Zomba in the south, almost to Fort Johnston to the north-east of the Shire River. These chiefdoms are Malemia in the north of Zomba district, whose area lies along the Malosa range of mountains north of Zomba as far as Mount Chaoni. Liwonde district stretches from Mount Chikala and Mount Chaoni in the south to Mount Mulli in the north. This district contains the chiefdoms of Liwonde and Kawinga and the minor chieftains under them. In Fort Johnston district which stretches from the north of Mount Mulli to Lake Nyasa are the chiefdoms of Jalasi, Nyambi, Katuli, Makanjila and an Nyanja chief Nankhumba. The chiefdoms of Jalasi and Nyambi abut those of Kawinga and Liwonde, and it is with these that we are mainly concerned.

Malemia, whose clan-name is *amwale*, was apparently the first of the Machinga chiefs to move into present-day Nyasaland from present-day Mozambique.[2] His group moved south-west past the north end of Lake Chiuta and settled for a while on Mount Mulli. Malemia was closely followed by Nkata, from whom the Jalasi chieftaincy developed and whose clan-name was *anlowe*, and his 'father' Mkumba, who moved in westwards past the north end of Lake Chiuta into the Mangoche Highlands. Here, together with the help of Kawinga and Liwonde, they attacked the so-called Mangoche chiefs (Mlumbe, Chikowi, Kapeni,

[1] Chap. II.

[2] The history of this chieftaincy is set out more completely in 'An Outline of the Social Structure of Malemia Area'.

2: Mitchell E-5 (1946-1949) 1956 FT7 Yao FT7

631 643 175 Matipwiri, etc.), displaced them southwards and so established chiefdoms of their own. Mkumba moved to the south and Nkata set up a fortress on Mount Mangoche, from which vantage-point he resisted British conquest for many years. Kawinga and Liwonde, whose clan-name was also *ambewe*, had moved in with Nkata but continued across the Shire River to settle in the Kongwe Hills to the west of Lake Malombe. Later, Kawinga and Liwonde re-crossed the Shire and moved south-eastwards until they reached Mount Chikala. This in the meantime had been occupied by Malemia. Kawinga and Liwonde succeeded in dislodging Malemia who retired to the Malosa Range, where he is situated to-day. Liwonde then left the mountain to settle on the east shore of the Shire River.

631 643 The arrangement of these particular chiefdoms in Administrative districts therefore reflects the social relationships among the chiefs. Between Malemia and the two *ambewe* chiefs, Kawinga and Liwonde, there is an uninhabited forest reserve and a mountain range. [611] Liwonde and Kawinga who can trace their descent matrilineally from a common ancestress and who are to-day perpetual [1] brothers, together with their minor chiefs, share the Liwonde district. In spite of the opposition of these two chiefs which arises from their position as chiefs of independent chiefdoms, they sometimes meet and visit each other. Chiwalo, who from the Administrative point of view is under Kawinga, *is in* fact more closely related to Liwonde and has much more to do with him. But Chiwalo's headmen usually appeal to Kawinga, not Liwonde, in their difficulties. Within Kawinga's area at a funeral or an installation ceremony of an important headman in the northern areas, representatives of the nearby chieftaincies Ngokwe, Chikweo, Chiwalo and Kawinga will be present. In the south, the representatives of only Chamba, Mposa and Kawinga are likely to be present. Headmen, if they come from Liwonde's area, do so because of kinship connection and not because they are representatives of Liwonde.

The relationships of Jalasi and to some extent Nyambi, with Kawinga and Liwonde, are much more distant. Kawinga and Liwonde stand opposed to Jalasi in spite of the fact that Jalasi shares their clan-name. I have never known of Jalasi coming to visit Kawinga or Liwonde. Jalasi's area extends well down

[1] i.e. the offices are fixed perpetually in this relationship. See p. 111.

2: Mitchell E-5 (1946-1949) 1956 FT7 Yao FT7

the Shire River to within about 15 miles from Liwonde's headquarters, and though he frequently tours his chiefdom in this area I have never known him to cross his boundary. The position of Nyambi here is interesting in that originally Nyambi's chiefdom was part of the Liwonde district. It was made part of this district in the early days of the Administration when Nyambi II, Nkata's sister's son who founded the chiefdom, opposed the reigning Jalasi and moved into the area where the chiefdom is now situated. The implication of Nyambi's being in Liwonde district was that he had to sit on District Councils in Zomba with Kawinga and Liwonde instead of with Jalasi in Fort Johnston. I understand that since the original Nyambi died his several successors have made requests to the Administration to be included in the Fort Johnston district. Finally in 1948 the request was granted and Nyambi's chiefdom was once more linked with his perpetual son's in Fort Johnston district.

The opposition of the chiefdoms as wholes appears in other situations as well, often when it is not expected. For example, there are two tobacco markets in the area studied. One is in Nyambi's area and the other is about 25 miles away at Mlomba's village in the extreme south of Kawinga's area. Mlomba is a uterine brother of the present Kawinga. Chiwalo's chiefdom abuts Nyambi's and tobacco growers need to transport their produce only six or seven miles to the market in Nyambi's area. Yet several growers told me that they were taking their produce the 25 miles to Mlomba market because they felt in some vague way that the Chiwalo people got lower prices for their tobacco in the Nyambi market than the Nyambi people.

The cleavage between the chiefdoms is also expressed in their religion. Kawinga, Liwonde, Jalasi and Nyambi are all Moslems and very few of their followers are Christian. Malemia is a Christian and very few of his followers are Moslems. But between Kawinga and Liwonde on one hand, and Jalasi and Nyambi on the other hand, there is a cleavage in terms of a schism among the Moslems. One group, the *swaliki*, became centred at Jalasi's court village Majami. The *swaliki* believe that Islamic devotions should be accompanied by loud singing and chanting of Arabic tracts and by particularly vigorous dancing. Even at funerals this type of prayer is required. The other sect, the *sakata*, centred at Kawinga's and Liwonde's court villages,

2: Mitchell E-5 (1946-1949) 1956 FT7 Yao FT7

631 643 745 advocates the more orthodox type of Islamic devotion in which a quiet restrained manner is emphasized. As far as I know the *swalihi* sect are confined entirely to Jalasi's chiefdom and the *salafu* to Kawinga and Liwonde. In this matter, Nyambi's people side with Kawinga's and Liwonde's.

631 643 692 On the other hand, local informal organization is well developed so that Chiwalo who is at the point of juxtaposition of Kawinga, Liwonde, Nyambi and Jalasi chiefdoms, may try cases involving headmen from any of these areas, and they usually accept his arbitration. His is the nearest court house. The actual boundaries of the four areas, however, are very clearly recognized and Chiwalo realizes the limits of his jurisdiction. Though he may arbitrate in a difference between headmen, he would not dare to apportion land outside his area. Headmen living on the boundaries of two chiefdoms arbitrate in each other's cases; the villagers under them intermarry. A village in Chiwalo's may 621 631 643 procure garden lands in Jalasi's area, and children may be initiated at ceremonies held by headmen in other chiefdoms. There is no clear break in the normal social relationships of people across the boundaries of chiefdoms, and their members interact as freely with each other as members of two villages of the same chiefdom. The cleavage between the villages on different sides of the *boundary of a chiefdom* becomes apparent *only in special situations.*

631 643 The formal relationships of the chiefs, set by the history of their conquests and their kinship, and incorporated in and slightly modified by the Administrative framework, are overlaid by an informal local organization where the interaction of village headmen only conforms to the formal pattern when no agreement can be reached.

The Position of the Modern Chief

643 769 783 In ritual situations a chiefdom is clearly differentiated from its neighbours, and many of these situations arise in the cult of tendence on the ancestor spirits. The ancestor cult has fallen away almost completely among village headmen, but among the chiefs it is still strong, and appears particularly in the rain-prayers and the initiation ceremonies. Later, I shall discuss at length the importance of the chief's sanction before headmen may conduct initiation ceremonies. This is because the spirits

2: Mitchell E-5 (1946-1949) 1956 FT7 Yao FT7

425
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dads may hold garden plots in other village areas which they have temporarily borrowed in a private arrangement with the individual owner. But when the system is seen in relation to the pattern of occupation of the area, it is greatly simplified. Each garden may be traced back to the original owner through three or four village headmen. The pattern of the reversion of rights follows the same system. The garden land of a village which has recently moved in and is moving out again reverts directly to the village headman who granted it. If he has moved out it reverts back to the village headman from whom it was in turn acquired.[1] These original landholders form the central points of locally organized areas to-day. For example, in Chiwalo's area there is Chiwalo at the top of the scale, then there are Kapalowa, Chiwaja, Mumbwa, Makata and Nyanje as the most important village headmen, and they take precedence over any of the other village headmen. All the others who have come into the area since then, of whom many are Nguru, rank very much lower.

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From the smallest village to the chiefdom as a whole, therefore, there is a series of overlapping areas of organization. In any particular area chosen at random in a chiefdom as large as, say, Kawinga's, there will probably be two or three small villages which recognize the primacy of one of their number. The headman of this village may be called in to arbitrate in disputes over land or personal quarrels or even in the private consultations held after the death of a village member (*mapoto*). But the superior headman in turn recognizes *his* superior who was in the area before him. This system is extended over larger and larger areas, each headman in turn recognizing some other headman who was in the area before him, until ultimately the primacy of the lowest chief over all his headmen is established by the same principle. There is no clear-cut district organization as among the Zulu and Bemba.[2]

[1] See also 'Preliminary Notes on Land Tenure and Agriculture among the Machinga Yao', *Human Problems*, 2 (1950), 1–13. This system of land-holding has been called 'estates of holding' by Gluckman. See his *Essays on Lozi Land and Royal Property*, Rhodes-Livingstone Paper, No. 10 (Livingstone, 1943), p. 29 ff.

[2] See the essays by Gluckman and Richards in Fortes, M., and Evans-Pritchard, E. E., *African Political Systems*, Oxford University Press for the International African Institute (London, 1940).

2: Mitchell E-5 (1946-1949) 1956 FT7 Yao FT7

strangers. Meantime, the seceding group moves into some other village area at a distant place, where they are strangers themselves. The result is that kinship soon ceases to be the organizing principle in local areas, and the principle of primacy takes its place. Hence, primary[1] kinship provides the principle on which the relationships among village headmen, and therefore villagers, may be organized in a local area, for only a relatively short time. Before long, for a variety of reasons, the smaller villages move away and their sites are taken by others.

Primary matrilineal kinship on the other hand retains its significance as the means whereby relationships are organized within villages. In other words, outside the lineages of the ruling families it is very difficult to record a genealogy which does more than link the component parts of a village. Beyond this genealogies are socially insignificant. Therefore, since villages are continually breaking up, genealogies are usually shallow. Once a group has broken away to found a new village, its exact genealogical link with the parent village tends to be forgotten and replaced by a formalized link of perpetual kinship between the two village headmen.

Yao society, therefore, is not 'organic' in the way that Fortes describes Tallensi society: it is not 'governed by the same principles at all levels and in every sector of the social structure'.[2] Instead different principles of organization apply at different levels of Yao society. Thus the shallow lineages that form the cores of villages are internally segmented. Villages are composed of matrilineages linked to each other usually through patrilateral ties, ties which are initially primary but become perpetual. Chiefdoms, on the other hand, may be seen as organizations of villagers ranked in relation to each other and to the chief in terms of their perpetual kinship links, their antecedents, and their strength of following.

The same groups of matrilineal kinsmen may interact in three different fields of social relationships. Firstly, they may form a segment within a matrilineage. Secondly, they may form a group in a village linked initially by a primary and later by a perpetual patrilateral tie to the headman. Thirdly, if they

[1] I.e. kinship that can actually be traced as against 'putative,' or 'perpetual' kinship.

[2] Fortes, *The Web of Kinship*, 241.

2: Mitchell E-5 (1946-1949) 1956 FT7 Yao FT7

this happens the husbands take their wives to their several villages with them.

Throughout this general process the links between groups of any particular area are constantly changing but the general pattern remains constant. A village expands outwards, and the various patrilaterally-linked groups, and often some of the segments of the dominant lineage, form hamlets separate from each other. The dominance of one of the local headmen over the others is still recognised and the general pattern of primacy is maintained. Some of the earliest villages in the area remain intact through many years. Villages which were small hamlets twenty or thirty years ago, when they had just moved into the area, have become relatively senior. Many headmen who were senior then have moved, or their villages have disintegrated, or ceased to exist. Other villages have moved in and are ranked lower. Thus through time the rank of any one headman may have changed, but the ranking system and the relationships of senior to junior headmen remain unaltered.

The general process is the same for the whole chiefdom, though there is less overall structural change than in smaller areas. The more important a village headman, the less likely is his village to disappear entirely. The most important village headmen, therefore, have long histories of association with the chief. Thus while there is considerable change going on at the lowest levels of the social system, the social structure of the whole chiefdom is remarkably stable. In other words, the rate of change taking place within the structure varies directly with the level of organization within that structure. The names of the *ndunas* of Kawinga, Liwonde and Malemia are the same as those of the *ndunas* who accompanied these chiefs into Nyasaland in the middle of the nineteenth century. Relatively few of them have disappeared. And so it is with important village headmen. The links between them, fixed by their rank and status relative to each other in perpetual kinship and other ties, form the political structure of the chiefdom. From chiefdom to chiefdom the same pattern of organization is concealed behind an apparent diversity of actual links.

But, as a result of their contact with other peoples and their absorption into the economic and administrative framework of the British Empire, new social relationships are developing

9: Mitchell E-5 (1946-1948) 1949 FT? Yao FT?

Village headmen themselves are graded in importance and there are certain marks of rank which distinguish the more important headmen. We have already examined one of the most obvious ways in which the village headman's importance is judged, that is, by the number of people in his village. In addition there are other ways in which village headmen may be distinguished both from the common people and from less important headmen. Thus, for example, some of the more important village headmen have the right to conduct initiation ceremonies, this right being granted to them by the man who is in a way the most important village headman of all—the Chief. The right to hold a boys' initiation ceremony (*lipando*) is of more importance than the right to hold a girls' initiation ceremony (*cipoto*). Yet another mark of rank is the right to wear a plain crimson band around the forehead (*mlangali*), this right also being granted by the Chief.

The Administration has recognized the more important village headmen and has entrusted to them certain duties. By no means all the people called 'village headmen' in this paper are recognized as such by the Administration, but I do not know of any person who has the right to wear a red band and is not also an Administrative village headman.

The status system has apparently been taken over from pre-European days, but it is uncertain to what extent these important village headmen had powers. Some to-day have all the marks of rank that the Chief has, i.e., they hold both boys' and girls' initiation ceremonies, are entitled to the special greeting accorded to important village headmen (*mkoshi*), wear a red band, have the right to be buried in the village *and not in the common cemeteries, and to have their bodies prepared for interment* by people of similar rank. It appears that such people exercised a certain amount of power, by reason of their personal qualities, over less powerful neighbours, and some were able in the past to demonstrate their autonomy by moving off to establish petty chiefdoms of their own.

Nowadays the Administrative village headmen have certain statutory duties to perform towards other minor groups actually independent but considered, for the purposes of the Administration, to belong to the village. The relative importance of the headmen is still the deciding factor in such questions as determining who is to be called in to arbitrate in a case. Thus, though for Administrative purposes a small village may be considered to be a part of a larger Administrative village under an Administrative village headman, yet when a case for arbitration occurs within that smaller village, some other person than the Administrative village headman may be called in as arbitrator.

Laws promulgated by the Administration are conveyed through the Chief to the Administrative village headmen and in this way a hierarchy of power is being introduced. The small village headmen now see the Administrative village headmen as a representative of the Chief and the Administration. The Administrative village headmen in turn see the Chief in this light. But in matters directly affecting the Administration, the small village headmen also see the Administrative village headman as his own representative *vis-à-vis* the Chief and the Administration.

In general the village is by far the most important corporate body in the social organization of the Yao, not only as a significant primary group but also as an element

Rhodesia R-4 (1946-1947) 1960
FT7 Tao FT7
[P.141C]

through one or other succession of the position of village headman.* Succession to posts of authority, including that of the chief, is matrilineal. Ideally the succession should pass to the first-born son of a man's eldest sister, but this is not always followed, for the personal qualities of the successor are most important.

The total African population of the area studied is 61,000. There are one or two Indian traders and two Europeans permanently resident in the area. One European is a missionary in the north-east corner and the other an Agricultural officer in the north centre of the area. Part of the area is administered by the District Commissioner, Sesheke, and part by District Commissioner, Fort Johnston, and these officers tour the districts under their jurisdiction. Occasionally other White officials and labour recruiters appear, but in the main, Whites are not often seen in this area. The one road traversing it is usually impassable for a part of the rainy season.

There is little doubt that village headmen did
was in power and finally break away to form the
nucleus of a chiefdom of their own. The chief
that a headman had left could do little to regain
his lost subject and he had to rule not by tyranny
but by tact. Duff MacDonald, for instance,
records: "When a quarrel arises between the
chief of the country and an important headman
the latter may rebel and found a new kingdom,
thus depriving the old chief perhaps of one-
third of the villages in his dominion". [1] Nkanda
is an example. "Nkanda of Chermudo was at
first a headman of Kumpama's but rebelled
and lives on the Southern side of that mountain
an easy day's march from Blantyre." [2]

The leader was known, and is still known
to-day, by the term *mfumu cilimdo*. This might be
translated as "owner of the country" but the
term "owner" in this context would be a mis-
translation. I prefer to translate this phrase as:
"The person with whom a certain area is identi-
fied". [3] Hence when a man says, as the Yao
do: "I come from Kawinga's", he does not mean
that the land is owned by Kawinga, but that
Kawinga is the most important man in that area.
Among the village headmen in the area under a
particular leader there were a number of trusted
village headmen called *akuluu*, which term I
have translated as "councillors". These councillors
had special duties to perform. They were in
the nature of governors in outer areas and each
had a number of other villages under his jurisdic-
tion. By this I mean that these villages were sup-
posed to take certain cases for trial to him and to
approach the leader through him. The council-
lors were supposed to visit the village of the chief
each morning and to report anything untoward.
The councillors also had the important duty of
advising the chief, particularly in connexion
with raiding of neighbouring tribes. Councillors
also intervened in the domestic affairs of the chief
and in the all too frequent conflicts between the
chief, his sisters' sons and his younger
brothers.

R.Mitchell E-6 (1946-1947) 1949
[P.149B] FT7 Tan FT7

643 622 175 648 and determine petty native cases was conferred upon the headmen, though the District Commissioner was supposed to seek their advice when necessary.

Therefore, from the time of conquest a pattern of superordination of the Whites and subordination of the Africans was established and the indigenous political system remained largely without official recognition until the Native Authorities Ordinance was passed in 1933. The major change wrought by this Ordinance was that Native Courts were planned and instituted by the Native Courts Ordinance of the same year. At the same time a Native Treasury was founded.

IV. The Present

POSITION

643 175 648 131 wings to Portuguese East Africa. They were allowed to return later and they took up their positions in an area roughly outlined in the early part of this paper. At the same time, owing to military action by the Portuguese a certain number of refugees were crossing the border into the Lake Chota area of Nyasaland.

TABLE I

Demographic Composition of Political Areas[1]

Sub. Area	Tot. Pop.	Admin. Hdqrs.	Av. Pop. of Admin. Hdqrs.	Tribal Composition
N.A. Kawinga (Tse)	23,087	311	74	
S.N.A. Cantipe (Tse)	5,119	61	84	72 20 7 1
S.N.A. Mpezu (Tse)	4,411	60	74	49 19 32 —
S.N.A. Chiwindo (Tse)	2,301	19	116	80 15 5 —
S.N.A. Ngokwe (Mpezulu)	2,866	21	136	54 42 40 1
S.N.A. Chikwawa (Mpezulu)	7,302	49	145	28 56 16 —
N.A. Liwonde (Tse)[2]	12,714	106	120	75 20 5 —
N.A. Nyasulu (Tse)[2]	7,235	65[3]	116	73 27 — —

[P 149 C]

643
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631

	Total Pop.	Area sq. m.	Density per sq. m.
Kawinga	10,789	482	22.3
Limonde	9,834	276	35.6
Mponda	7,200	145	49.6

The Table I summarizes the present demographic position in the area. The greater part of the area under study is divided between the Native Authorities Kawinga and Limonde who call each other "brother". Kawinga as well as being a Native Authority with jurisdiction over five subordinate native authorities, is a chief over a certain number of villages in the same way as his subordinate native authorities are. These subordinate native authorities under Kawinga are:

1. *S.N.A. Cimoko*, who is a matrilineal descendant of the first Kawinga's sons and who still calls the present Kawinga "father", is in charge of an area along the south side of Mount Chiole;

2. *S.N.A. Mpasa* is a matrilineal descendant of the son of the first Limonde and therefore calls both Kawinga and Limonde "father" (anat). His area lies near Lake Chilwa and contains a high proportion of the original Nyanja peoples of the area;

3. *S.N.A. Chimbi's* area adjoins that of N. A. Nyamiki at the north of Kawinga's sub-district. Chimbi was a sister's son to one of the previous Kawinga's and his mother's brother had succeeded, illegally in the opinion of some, to the name of Kawinga V (see p. 147). Chimbi succeeded to his mother's brother's name after he had before he took the name of Kawinga V. The present Kawinga VI who was known as Mlanga before he succeeded more still Chimbi "my elder brother" (chekuwanga);

4. *S.N.A. Njaluso* and 5. *S.N.A. Chiwau* are, as the Table shows, are Yao but Mponda who are a people from Portuguese East Africa. The Mponda have lost whatever language they had in the past and now speak Yao and as far as I could see follow Yao usage and customs. The areas under the jurisdiction of these S.N.A's lie along the north-east boundary of Kawinga's area adjoining the Portuguese territory. The Table also shows

63 that there is a relatively low proportion of Yao in the area wherein the Ngoni are well represented. The term Ngoni is applied by the Yao to any person from a certain part of Portuguese East Africa. It is indiscriminately applied to a number of tribes, though mostly to the Lomwe who form a congeries of related tribes.

Liwonde sub-district lies to the west of that of Kwenga and it has as its western boundary the Shire River. There is one N.A. in the area, Sowa, appointed in 1946, but I could not visit him and there is no course information on this group. This new N.A. is a senior's son to the present Liwonde and actually stands in the direct line of succession to the name of Liwonde.

Nyambi sub-district is now a part of Fort Johnston District. It lies to the north of Kwenga's area and is small. The relationship of Nyambi to Liwonde and Kwenga has been noted above (p. 147). At the same time it was noted that Nyambi calls Jalasi "my child" (*mwanangu*). Jalasi, who had been a powerful leader, was recognized by the Administration as a superior chief in the area. The Nyambi who was living at the time resented the activities of a person who was genealogically inferior to him and therefore moved from the area he occupied then, to the present position which was under Kwenga at the time (about 1914). When the Native Authorities Ordinance was introduced Nyambi was made an N.A. independently of Kwenga. Recently (1967) the sub-district under his jurisdiction was transferred from Zomba District Administration to Fort Johnston, largely at the request of the present Nyambi who said that he preferred to be with his own relatives (Jalasi's family).

63 The Table I shows that in some areas there is a considerable proportion of non-Yao under Yao chiefs. The reason for this is that the Yao came into these areas as conquerors, either eliminating the indigenous Nyanja or allowing them to remain there in a subordinate position. Later, from the turn of the century until about 1930, there was a gradual infiltration of Ngoni peoples into Nyasaland from Portuguese East Africa. The presence of the different tribal